

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

ALEX DEAN HAMILTON,

Plaintiff,

vs.

DETECTIVE JESSE SLAUGHTER, CITY OF
GREAT FALLS, PLANNED PARENTHOOD,
CASCADE COUNTY OF MONTANA,
GREAT FALLS TRIBUNE, and CCDC
OFFICIAL(S) COMMANDER DAN
O’FALLON and SHERIFF BOB
EDWARDS,

Defendants.

CV 18–00104–GF–BMM–JTJ

ORDER

Plaintiff Alex Dean Hamilton (“Hamilton”), a pro se prisoner proceeding without counsel, filed a complaint (Doc. 2) alleging Defendants violated his right to privacy, denied him medical care, denied him access to the courts, and subjected him to unconstitutional conditions of confinement. The Court advised Hamilton that his Complaint failed to state a federal claim for relief and was subject to dismissal. (Doc. 7.) Hamilton was given an opportunity to file an amended

complaint and was specifically advised that if he failed to correct the defects in his Complaint, the Court would dismiss this matter. *Id.* at 21.

Magistrate Judge Johnston entered his Finding and Recommendations in this matter on May 16, 2019. (Doc. 8.) Judge Johnston determined that Hamilton had failed to file an amended complaint. For the reasons set forth in the Court's Order on April 1, 2019, (Doc. 7), the Court finds that Hamilton has failed to state a federal claim upon which relief may be granted and the failure meets the requirements for dismissal.

Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). The Court finds no error in Judge Johnston's Findings and Recommendations.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 8.) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Hamilton's action is **DISMISSED** for failure to state a federal claim.

IT IS FURTHER ORDERED that the Clerk of Court is directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that the Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. No reasonable person could suppose an appeal would have merit. The record makes plain the Complaints lack arguable substance in law or fact.

IT IS FURTHER ORDERED that the Clerk of Court is directed to have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g) because Hamilton failed to state a claim upon which relief may be granted.

DATED this 19th day of June, 2019.



Brian Morris
United States District Court Judge